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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ANWAH, OLISA

ART UNIT PAPER NUMBER

2645

DATE MAILED: 05/05/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/910,271

Applicant(s)

CREAMER ET AL.

Examiner

Olisa Anwah

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-37 are rejected under 35 U.S.C. § 102(e) as being anticipated by Liversidge et al, U.S. Patent Application Publication No. 2002/0076025 (hereinafter Liversidge).

Regarding claim 1, Liversidge discloses an email communication method comprising the steps of inserting in an email message a voice conference identifier comprising a voice conference call list identifying conference call nodes; transmitting said e-mail message to a recipient at a recipient node, wherein responsive to said recipient selecting said voice conference identifier, a voice conference call between selected

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ones of said identified conference call nodes is established  
(paragraphs 0134-0137 and 0181-0191).

Regarding claims 2 and 3, see paragraph 0183.

Regarding claims 4 and 5, see paragraph 0134.

Regarding claim 6, see paragraph 0137.

Regarding claims 7 and 8, see Figures 25 and 28.

Regarding claims 9, 10 and 12-16, see paragraphs 0136, 0137  
and 0183.

Regarding claim 11, see Figure 25.

Regarding claim 17, see Figure 28.

Regarding claims 18, 20, and 23-25 see paragraphs 0134-0137  
and 0181-0191.

Regarding claim 19, see Figures 25 and 28.

Regarding claims 21 and 22, see paragraph 0183.

Regarding claims 26 and 27, see Figures 25 and 28.

Regarding claims 28, 29, 31-33 and 37 see paragraphs 00136  
and 00137. Also see paragraphs 0181-0191.

Regarding claim 30, see Figures 25 and 28.

Regarding claims 34 and 35 see paragraph 0183.

Regarding claim 36, see Figure 28.

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***Response to Arguments***

3. Applicant incorrectly alleges, "...the messages disclosed by Liversidge appear to be primarily internal system messages and messages directed to the telephone network for establishing a communication session. Notably lacking from the cited portion of Liversidge, however, is any mention of e-mail being used as a vehicle for sending a voice conference identifier - a feature that is explicitly required by the Applicant's pending claims".

According to the 19<sup>th</sup> Edition of Newton's Telecom Dictionary, "...these days electronic mail is **everything from simple messages flowing over a local area network from one cubicle to another, to messages flowing across the globe on an X.400 network. Such messages may be simple text messages containing only ASCII or they may be complex messages containing embedded voice messages, spreadsheets and images**". Therefore the internal system messages (which are **electronically sent**) disclosed by Liversidge read on the claimed e-mail communication method. Furthermore paragraph 0134 of Liversidge teaches, "...the Invitation message will contain...information identifying the invitee...the information identifying the invitee will include an address (e.g. an **e-mail** address) of a communications device associated with the

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invitee. Based on this information....sends an Invitation message to the invitee". Liversidge also teaches the message may be viewable on a GUI (paragraph 0134). Therefore Liversidge teaches the claimed e-mail communication method.

Applicant also argues Liversidge utilizes and requires the presence server and the VTE server, a proprietary server to function. Liversidge tracks presence information for each VTE client using the VTE and presence servers. These arguments are spurious arguments that are directed away from the claims.

#### **Conclusion**

4. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114.

Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this

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action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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O.A.

Olisa Anwah  
Patent Examiner  
April 30, 2004

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to be 'Fan Tsang', written in a cursive style.